

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2014-0006-CX**

Project Title: **Beaver Dam Fiber Right-of-Way Amendment AZA 033629**

Project Lead: **Laurie Ford**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: March 27, 2014

Deadline for receipt of responses: **Thursday, April 03, 2014**
PLEASE NOTE THE SHORTER REVIEW TIME

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Whit Bunting, Range/Vegetation/Weeds/S&G
Laurie Ford, Lands/Realty/Minerals
Jon Jasper, Recreation/Wilderness/VRM
John Herron, Cultural Resources
Ray Klein, GCPNM Supervisory Ranger
Jace Lambeth, Special Status Plants
John Sims, Supervisory Law Enforcement
Richard Spotts, Environmental Coordinator
Jeff Young, Wildlife/T&E Animals
Lorraine Christian, Field Manager, ASFO

Required Recipients of electronic distribution E-mails only (not reminders):

Steve Rosenstock (E-mail address: srosenstock@azgfd.gov)
Daniel Bulletts (E-mail address: dbulletts@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Mr. Rosenstock is an Arizona Game and Fish Department (AGFD) habitat program manager. Mr. Bulletts is acting Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

Shawn Langston, ASFO Wildlife/T&E Animals

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Arizona Strip Field Office

NEPA No.: DOI-BLM-AZ-A010-2014-0006-CX

Case File No.: AZA 033629

Proposed Action Title/Type: Beaver Dam Fiber Right-of-Way Amendment

Applicant: Rio Virgin Telephone & Cable

Location of Proposed Action: The proposed action is located within the following described area and as shown on the attached map:

Gila and Salt River Meridian, Arizona

T. 41 N., R. 15 W.,

sec. 33, lot 13.

Containing 0.093 acre, more or less.

Description of Proposed Action: Rio Virgin Telephone and Cable proposes to extend an existing buried fiber cable an additional 271 feet within an existing telephone line right-of-way (AZA 023258) to provide service for two mobile homes within the adjacent Arizona Department of Transportation (ADOT) maintenance yard. ADOT has requested several lines to conduct business related to their ongoing Interstate 15 maintenance work and bridge projects in Arizona. Existing copper facilities are exhausted and cannot meet the request for additional lines. Conduit is currently in place up to within 271 feet of the pedestal where the ADOT yard would need to feed from. Approximately 271 feet of four-inch PVC conduit would be buried along the west side of the existing barbed wire fence and a 24 stranded fiber cable would be pulled through the conduit. The cable would continue to be pulled through the existing conduit down to the fire station to the connection point. The new fiber cable would be sized large enough to handle any future request for all of the buildings currently located nearby.

Right-of-way grant would be subject to all provisions of 43 CFR 2800 including the terms and conditions identified in 43 CFR 2805, rental payments as provided by 43 CFR 2806, and special conditions listed in Part V of this document.

PART II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Arizona Strip Field Office Resource Management Plan (RMP)

Decisions and page nos.: MA-LR-06 and MA-LR-07, page 2-71

MA-LR-06 – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species' populations and cultural sites, and along the edges of avoidance areas. In addition, mitigation measures may include underground placement of linear ROWs along existing roads in the House Rock Valley area and special protection measures for archaeological resources (See Special Status Species and Cultural decisions).

MA-LR-07 – The use of designated ROW corridors/sites and existing ROW use areas will be encouraged to the extent possible but, depending on site-specific needs, actual locations may vary. Such variances shall be considered consistent with other RMP provisions, provided such locations and uses are consistent with the selection criteria, and goals and objectives for ROW corridors and ROW use areas.

Date plan approved/amended: January 29, 2008

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12);

(12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, check the appropriate box (yes/no), comment and initial for concurrence. Add any appropriate additional reviewers and applicable manager. Rationale supporting the concurrence should be included in the appropriate block. If no response is received from a mandatory reviewer, enter the comment due date along with the notation “No response received.” Delete blank rows.

PART IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS/REVIEWERS:	DATE:
Laurie Ford, Project Lead	March 27, 2014
Gloria Benson, Tribal Liaison	No Response Received
Whit Bunting, Range/Vegetation/Weeds/S&G	March 31, 2014
Jon Jasper, Recreation/Wilderness/VRM	April 2, 2014
John Herron, Cultural Resources	March 27, 2014
Ray Klein, GCPNM Supervisory Ranger	March 27, 2014
Jace Lambeth, Special Status Plants	March 31, 2014
John Sims, Supervisory Law Enforcement	April 2, 2014
Richard Spotts, Environmental Coordinator	April 2, 2014
Jeff Young, Wildlife/T&E Animals	April 1, 2014
Shawn Langston, ASFO Wildlife/T&E Animals	April 2, 2014
Lorraine Christian, Field Manager, ASFO	April 7, 2014

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:		
(a) Have significant impacts on public health or safety.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No significant impacts on public health and safety would result from the proposal because it is routine in nature and within an existing compatible telephone right-of-way. <div style="text-align: right;">Preparer's Initials <u>LF</u></div>
(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not affect recreation, wilderness, or wild and scenic rivers. The proposed action area has been previously inventoried and no cultural properties were identified. The proposed action should not affect migratory birds protected under the Migratory Bird Treaty Act because no habitat would be modified and there would be no potential for disturbance to migratory birds. <div style="text-align: right;">Preparer's Initials <u>JJ, JH, JY</u></div>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No controversial environmental effects or unresolved alternative uses of resources exist because proposed action is routine in nature and within an existing compatible telephone line right-of-way. <div style="text-align: right;">Preparer's Initials <u>LF</u></div>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. Proposed action is a routine activity similar to previously authorized uses which involved no significant environmental effects and no unique circumstances. <div style="text-align: right;">Preparer's Initials <u>LF</u></div>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. Proposed action is similar to previously authorized activities and does not represent a decision in principle about future actions with potentially significant environmental effects. <div style="text-align: right;">Preparer's Initials <u>LF</u></div>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No cumulative effects because all activity would be within an existing, previously disturbed telephone right-of-way. <div style="text-align: right;">Preparer's Initials <u>LF</u></div>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed action area has been previously inventoried and no cultural properties were identified. This is documented in the Cultural Resource Project Record. <div style="text-align: right;">Preparer's Initials <u>JH</u></div>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not affect any listed wildlife species for the following reasons: The proposed action would not modify listed species habitat and there would be no potential for disturbance associated with the proposed action to listed species. Therefore, no Section 7 consultation or conference with the U.S. Fish and Wildlife Service is needed. No known populations of special status plants exist within the vicinity of the proposed project. <div style="text-align: right;">Preparer's Initials <u>JY, JL</u></div>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed amendment of an existing right-of-way would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. <div style="text-align: right;">Preparer's Initials <u>JS, LF</u></div>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No effect on low income or minority populations because installation work associated with the proposed action would be a short term activity and would be completed by existing Rio Virgin Telephone and Cable personnel. Proposed action would allow the accommodation of future requests without installation of additional cable or conduit. <div style="text-align: right;">Preparer's Initials <u>LF</u></div>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed amendment of an existing right-of-way would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites because the area in which the new fiber optic cable would occur is within a previously disturbed area.</p> <p style="text-align: right;">Preparer's Initials <u>LF</u></p>
<p>(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).</p>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. The area in which the new fiber optic cable would occur is within a previously disturbed area.</p> <p style="text-align: right;">Preparer's Initials <u>WB</u></p>
<p>PART V. – COMPLIANCE REVIEW CONCLUSION</p> <p>I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.</p> <p>I considered the proposed action would be within an existing, previously disturbed telephone line right-of-way and along with the additional mitigation measures/special conditions identified below which would not cause appreciable damage or disturbance to the public lands or resources.</p> <p>MITIGATION MEASURES/SPECIAL CONDITIONS/OTHER REMARKS: All applicable terms and conditions and applicant committed environmental protection measures from the original right-of-way grant issued June 18, 2008, as listed below would apply to this amendment.</p> <p><u>Terms and Conditions</u></p> <ol style="list-style-type: none"> a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800. b. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public. c. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way. d. The holder shall protect all survey monuments found within the right-of-way, including General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any survey monument, the holder shall immediately report the incident, in writing to the authorized officer and the respective installing authority if known. e. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. 		

- f. Construction holes left open overnight shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- g. Construction/maintenance sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, food materials, bullets, bullet casings, etc. No micro-trash shall be left at construction/maintenance sites and trash receptacles used at construction/maintenance sites shall be wildlife proof.
- h. At no time shall vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills must be reported to the authorized officer and be cleaned up immediately, using best available practices and requirements of the law, and disposed of in an authorized disposal site. All spills of federally or state listed hazardous materials which exceed the reportable quantities shall be promptly reported to the appropriate state agency and the authorized officer.
- i. The holder of Right-of-Way AZA-33629 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- j. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during use, new construction, or additions shall be left intact; all work in the area shall stop immediately and the authorized officer (435-688-3323) shall be notified immediately. Recommencement of work shall be allowed upon clearance by the authorized officer in consultation with the archaeologist.
- k. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey will be completed prior to commencement of the project.
- l. If in connection with use any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.
- m. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the holder will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. In addition, the holder is responsible for the eradication of noxious weeds within the right-of-way area throughout the term of the right-of-way. The holder is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (June 2007b), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet. Any reclamation efforts requiring seeding will be done with certified, weed-free seed, using a seed mix approved by the authorized officer.

- n. Use of herbicides shall comply with the applicable Federal and state laws. Herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides shall be approved in writing by the authorized officer prior to such use.

Applicant Committed Environmental Protection Measures

The Project would comply with all applicable federal and state laws, and local zoning and building ordinances. Best Management Practices approved by the BLM would be utilized to minimize the potential for soil erosion and the introduction of non-native, invasive plant species. The Project would comply with BLM's Standard Procedures Applied to Surface Disturbing Activities (BLM 1999: A1.2-A1.4). The following design features and construction protocols would be in effect during the Project.

Protection Measures to Avoid or Minimize Impacts to Desert Tortoise and Other Species

- The Project would comply with the Biological Opinion, dated May 28, 2008, prepared for this Project.

Stabilization and Rehabilitation

- Upon completion of construction activities, disturbed areas would be re-contoured where needed to minimize erosion and compaction, restore natural ground cover, reestablish plant growth, and allow natural surface drainage.

APPROVING OFFICIAL: /s/Lorraine M. Christian DATE: April 7, 2014

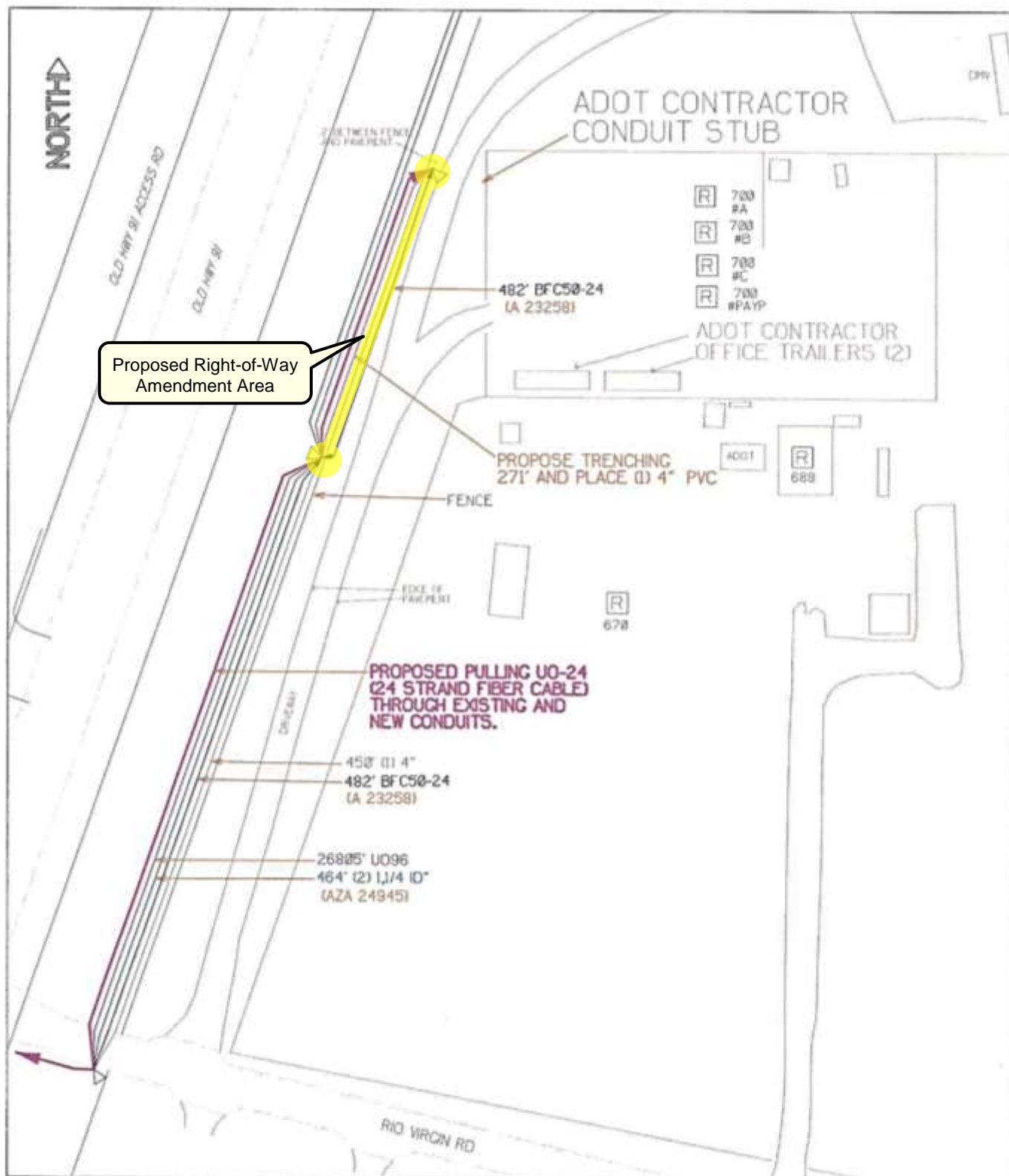
TITLE: Field Manager, Arizona Strip Field Office

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.

LOCATION MAP

Beaver Dam Fiber Right-of-Way Amendment AZA 033629

NEPA No.: DOI-BLM-AZ-A010-2014-0006-CX



RIO VIRGIN TELEPHONE AND CABLEVISION
61 WEST MESQUITE BLVD.
MESQUITE, NEVADA 89027
702 346-5211 OFFICE
702 346-5216 FAX
702 346-5217 INSPECTIONS

TOWNSHIP 41N
RANGE 15W
SECTION 33

ADOT FTTP BEAVER DAM AZ
BLM PERMIT MODIFICATION REQUEST
WORK ORDER #14-1224
ENGINEER KWC
DATE 3/26/2014

DECISION MEMORANDUM

Beaver Dam Fiber Right-of-Way Amendment AZA 033629

NEPA No.: DOI-BLM-AZ-A010-2014-0006-CX

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion (CX) documentation and resource staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the mitigation measures/special conditions identified in Part V of the CX.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2801.10(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Lorraine M. Christian

April 7, 2014

Lorraine M. Christian, Field Manager

Date

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790

NOTICE OF APPEAL.....

WITH COPY TO
SOLICITOR...

Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

AND COPY TO.....Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)